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10 Attorneys for Defendant
 CITY OF EAST PALO ALTO
 11

12
 13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**

15 PALO MOBILE ESTATES ASSOCIATES, a)
 16 California limited partnership,)
 17 Plaintiff,)
 18 v.)
 19 CITY OF EAST PALO ALTO, a municipal)
 corporation; DOES 1 through 10, inclusive,)
 20 Defendants.)
 21

CASE NO: C 07-03601 PJH

**DEFENDANT CITY OF EAST PALO ALTO'S
 REQUEST FOR JUDICIAL NOTICE IN
 SUPPORT OF ITS BRIEF RE ORDER TO
 SHOW CAUSE WHY THIS ACTION SHOULD
 NOT BE REMANDED TO THE SUPERIOR
 COURT OF SAN MATEO COUNTY FOR
 LACK OF SUBJECT MATTER
 JURISDICTION**

Superior Court Action Filed: June 12, 2007
 Removed to Federal Court: July 12, 2007
 Trial Date: None Set

22
 23
 24 The Defendant City of East Palo Alto hereby requests that this Court take judicial notice of an
 25 order and a judgment of the Superior Court of the County of San Mateo from the case of *Palo Mobile*
 26 *Estates Associates v. City of East Palo Alto*, San Mateo County Superior Court Case Number CIV
 27 463681, which is the action in which the Plaintiff Palo Mobile Estates Associates ("PME") sought a
 28 writ of mandate to invalidate the City of East Palo Alto's temporary moratorium on applications to

1 convert rental mobilehome parks into resident-owned mobilehome parks — the same moratorium that
 2 PME challenges in this action before this court. This is the companion action that PME filed in the
 3 San Mateo County Superior Court at the same time that it filed the action that is presently before this
 4 Court.

5 Judicial notice of these two documents is appropriate under *U.S. ex rel. Robinson Rancheria*
 6 *Citizens Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992), which provides that a federal court
 7 “may take notice of proceedings in other courts, both within and without the federal judicial system, if
 8 those proceedings have a direct relation to matters at issue.”

9 The order of which the City asks this Court to take judicial notice is the “Order Denying
 10 Motion for Writ of Mandate,” entered August 27, 2007. A true and correct copy of this order is
 11 attached hereto as Exhibit “A.”

12 The judgment of which the City asks this Court to take judicial notice is the “Judgment in
 13 Favor of Respondent City of East Palo Alto and Against Petitioner Palo Mobile Estates Associates,”
 14 entered October 22, 2007. A true and correct copy of this judgment is attached hereto as Exhibit “B.”
 15

16 Dated: November 2, 2007

JARVIS, FAY & DOPORTO, LLP

17
 18 By: /s/Benjamin P. Fay
 19 Benjamin P. Fay
 20 Attorneys for Defendant
 CITY OF EAST PALO ALTO

21 J:\Clients\103 [E. Palo Alto]\010 (Palo Mobile Estates Complaint (Fed))\Plead\Request for Judicial Notice 110207.wpd
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Attorneys for Respondent
 CITY OF EAST PALO ALTO

ENDORSED FILED
SAN MATEO COUNTY

AUG 27 2007

Clerk of the Superior Court
 By E. MORNEAU
 DEPUTY CLERK

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN MATEO

PALO MOBILE ESTATES ASSOCIATES, a)
 California limited partnership,)
)
 Petitioner,)
)
 v.)
)
 CITY OF EAST PALO ALTO, a municipal)
 corporation; DOES 1 through 10, inclusive,)
)
 Respondents.)

CASE NO: CIV 463681

~~Proposed~~ **ORDER DENYING**
MOTION FOR WRIT OF MANDATE

Time: 9:00 a.m.

Date: July 20, 2007

Dept: 25

Judge: Hon. Joseph C. Scott

Action Filed: June 12, 2007

Trial Date: None Set

The motion for writ of mandate brought by Petitioner PALO MOBILE ESTATES ASSOCIATES came on for hearing in Department 25 of this Court on July 20, 2007 at approximately 9:30 a.m., the Honorable Joseph C. Scott presiding.

Thomas W. Casparian, of Gilchrist & Rutter, appeared on behalf of Petitioner PALO MOBILE ESTATES ASSOCIATES.

Benjamin P. Fay, of Jarvis, Fay & Doporto, LLP, and Michael S. Lawson, the City Attorney of the City of East Palo Alto, appeared on behalf of Respondent CITY OF EAST PALO ALTO.

In this motion, Petitioner PALO MOBILE ESTATES ASSOCIATES sought a peremptory writ of mandate to compel the CITY OF EAST PALO ALTO (1) to vacate the moratorium on the conversion of mobilhome parks to resident ownership in the CITY and (2) to resume approval of subdivision applications for conversions of mobilehome parks to resident ownership within the CITY.

The Court has heard the arguments of counsel and has read and considered the pleadings filed in this matter. Good cause appearing, the Court now rules as follows:

The motion is denied without prejudice to renew because the claim is not ripe and the moratorium will expire on July 27, 2007.

IT IS SO ORDERED

Dated: AUG 21 2007

JOSEPH A. SCOTT
JUDGE OF THE SUPERIOR COURT

Approved as to Form:

Dated: July 26, 2007

GILCHRIST & RUTTER

By: Thomas W. Casparian

Thomas W. Casparian
Attorneys for Petitioner PALO MOBILE
ESTATES ASSOCIATES

J:\Clients\103 [E. Palo Alto]\009 (Palo Mobile Estates Writ)\Plead\Motion for Writ (proposed order).wpd

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10 Attorneys for Respondent
 11 CITY OF EAST PALO ALTO

ENDORSED FILED
 SAN MATEO COUNTY

OCT 22 2007

Clerk of the Superior Court
 By M. Javillonar
 DEPUTY CLERK

12
 13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 14 **IN AND FOR THE COUNTY OF SAN MATEO**

16 PALO MOBILE ESTATES ASSOCIATES, a)
 California limited partnership,)
 17)
 Petitioner,)
 18)
 v.)
 19)
 CITY OF EAST PALO ALTO, a municipal)
 20 corporation; DOES 1 through 10, inclusive,)
 21)
 Respondents.)

CASE NO: CIV 463681

**JUDGMENT IN FAVOR OF
 RESPONDENT CITY OF EAST PALO
 ALTO AND AGAINST PETITIONER
 PALO MOBILE ESTATES
 ASSOCIATES**

Action Filed: June 12, 2007
 Trial Date: None Set

24 The Verified Petition for Writ of Mandate, filed by the Petitioner PALO MOBILE ESTATES
 25 ASSOCIATES on June 12, 2007, asserts one cause of action: a petition for a writ of mandate under
 26 section 1085 of the Code of Civil Procedure.

27 Accordingly, the Petitioner PALO MOBILE ESTATES ASSOCIATES brought a motion for a
 28 writ of mandate. On July 20, 2007, the motion for writ of mandate came on for hearing in Department

25 of this Court before the Honorable Joseph C. Scott. Thomas W. Casparian, of Gilchrist & Rutter, appeared on behalf of Petitioner PALO MOBILE ESTATES ASSOCIATES. Benjamin P. Fay, of Jarvis, Fay & Doporto, LLP, and Michael S. Lawson, the City Attorney of the City of East Palo Alto, appeared on behalf of Respondent CITY OF EAST PALO ALTO.

On August 27, 2007, the Court entered an order denying the writ without prejudice "because the claim is not ripe and the moratorium will expire on July 27, 2007." Notice of entry of this order was served on August 29, 2007. This order resolved the only cause of action in the Petition, and therefore it is now appropriate to enter judgment.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that judgment is entered in favor of the Respondent CITY OF EAST PALO ALTO and against the Petitioner PALO MOBILE ESTATES ASSOCIATES.

Dated: OCT 16 2007

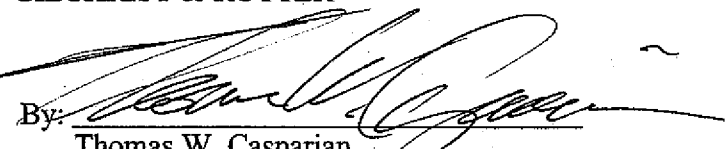
JOSEPH C. SCOTT

HON. JOSEPH C. SCOTT
Judge of the Superior Court

Approved as to Form:

Dated: Oct 16, 2007

GILCHRIST & RUTTER

By: 
Thomas W. Casparian
Attorneys for Petitioner PALO MOBILE
ESTATES ASSOCIATES

J:\Clients\103 [E. Palo Alto]\009 (Palo Mobile Estates Writ)\Plead\Judgment.wpd